

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 23-00117-MJC
Kimberly Ann Conahan	: Chapter 13
Debtor	:
	:
U.S. Bank Trust National Association, not in its	:
individual capacity but solely as owner trustee for	
Legacy Mortgage Asset Trust 2019-GS7 by its	
servicer, Rushmore Servicing	
Movant	:
vs.	:
Kimberly Ann Conahan	:
Debtor/Respondent	:
and	:
Jack N. Zaharopoulos, Esquire	:
Trustee/Respondent	:

**NOTICE OF MOTION, RESPONSE
DEADLINE AND HEARING DATE**

U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for Legacy Mortgage Asset Trust 2019-GS7 by its servicer, Rushmore Servicing, has filed with the US Bankruptcy Court a Motion for Relief from Stay regarding its rights it has under the mortgage or with respect to the property located at: 103 E. Meadow Street, Shavertown, PA 18708.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with an attorney.)

1. If you do not want the Court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then on or before **04/12/2024**, you or your attorney must do all of the following things:

(a) **FILE AN ANSWER** explaining your position at:

Clerk, United States Bankruptcy Court
274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701

If you mail your answer to the Bankruptcy Court Clerk's Office for filing, you must mail is early enough so that it will be received on or before the date stated above; **and**

(b) **MAIL A COPY** of the documents to the Movant's attorney:

Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521
Fax 215-855-9121
Email: dboyle-ebersole@hoflawgroup.com

2. If you or your attorney do not take these steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

3. A **HEARING ON THE MOTION** is scheduled to be held before the Hon. Judge Mark J. Conway on **April 18, 2024** at **10:00am** in Courtroom **#2**, 274 Max Rosenn U.S. Courthouse, 197 S. Main Street, Wilkes-Barre, PA.

4. If a copy of the Motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Court Clerk's office at (570) 831-2500 to find out whether the hearing has been canceled because no one filed an answer.

Respectfully Submitted,

Date: 03/29/2024

/s/ Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
PA ID# 81747
HLADIK, ONORATO & FEDERMAN, LLP
298 Wissahickon Avenue
North Wales, PA 19454
(215) 855-9521
Dboyle-ebersole@hoflawgroup.com

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MOTION FOR RELIEF FROM AUTOMATIC STAY
UNDER 11 U.S.C. § 362

Movant, by its Attorneys, Hladik, Onorato & Federman, LLP, hereby requests a Termination of the Automatic Stay and leave to proceed with its State Court rights provided under the terms of the Mortgage.

1. Movant is U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for Legacy Mortgage Asset Trust 2019-GS7 by its servicer, Rushmore Servicing (“Movant”).

2. Debtor, Kimberly Ann Conahan (“Debtor”) is the owner of the premises located at 103 East Meadow Street, Shavertown, PA 18708 (the “Property”).

3. Jack N. Zaharopoulos, Esquire is the Trustee appointed by the Court.

4. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on January 22, 2023.

5. Movant is the holder of a mortgage lien on the Property in the original principal amount of \$114,000.00 which was recorded on May 4, 2005 (the “Mortgage”), which was executed by Debtor. A true and correct copy of the Mortgage is attached to Movant’s Proof of Claim #14 filed on the Claims Register.

6. The Mortgage was assigned to Movant by way of a written assignment of mortgage, recorded on June 23, 2023. A true and correct copy of the chain of assignment is attached to Movant’s Proof of Claim #14 filed on the Claims Register.

7. Movant has not received the following monthly post-petition Mortgage payments:

Mortgage Payments November 1, 2023 – March 1, 2024 (\$857.99/each).....\$4,289.95
Attorney's Fees/Costs of Motion:.....\$1,249.00
Suspense Balance:.....(\$546.74)
Total Post-Petition Arrears:.....\$4,992.21

8. The total amount due and owing on the Mortgage, as of March 12, 2024 is approximately \$142,386.18.

9. Movant has cause to have the Automatic Stay terminated, to permit Movant to complete foreclosure on its Mortgage.

10. This Motion and the averments contained herein do not constitute a waiver by the Movant of its right to seek reimbursement of any amounts not included in this Motion, including fees and costs, due under the terms of the Mortgage and applicable law.

11. Pursuant to 11 U.S.C. 362, the Automatic Stay of the Bankruptcy Code should be terminated as to Movant because:

a. Movant lacks adequate protection of its security interest under 11 U.S.C. 362(d)(1)

WHEREFORE, Movant respectfully requests that this Court enter an Order:

- a. Modifying the Automatic Stay under 11 U.S.C. § 362 of the Bankruptcy Code with respect to the Property as to permit Movant to foreclose on its Mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal or consensual action for enforcement of its right to possession of, or title to; and
- b. Granting any other relief that this Court deems equitable and just.

Respectfully Submitted,

Date: 03/29/2024

/s/ Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
PA ID# 81747
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